

recommendations are two pages (of the nine-page total) devoted to residential interference policies. New radio facilities, including broadcast TV, are to “minimize interference for nearby residents.” In fact, “rezoning of residentially zoned land for towers should be discouraged.”

Resolution of interference from existing radio facilities is the shared responsibility of “all parties involved.” Emphasizing the County’s concern for “current” residential interference problems that were manifest at the time of the TLUP’s adoption in 1993, the TLUP called upon the broadcasting industry to “establish a ‘technical committee’ to address interference problems on Lookout Mountain.” (LCG Petition, Attachment 3, 8-9)

These policy concerns are parallel to those expressed by the FCC itself when in 1996, on its own initiative, the agency proposed to enlarge protections against “blanketing interference” from broadcast radio and TV stations. The federal agency explained why it was taking the unusual step of proposing rule changes on its own rather than at the request of private parties:

As new transmitter facilities are built in populated areas and as homes and businesses move closer to transmitter sites, blanketing interference has become an increasing nuisance for consumers of various electronic devices and a vexing challenge for broadcast licensees.

Among the FCC’s proposals in the open docket is to apply the blanketing interference rules specifically for the first time to broadcast TV stations, along the lines of the current regulation for FM radio stations found at 47 C.F.R. § 73.318. The signal contour proposed to mark an area of blanketing interference for TV stations could reach out from the transmitter a range of 2.5 to eight miles, encompassing many if not most of the residential

areas on Lookout Mountain.

The blanketing interference rules, existing and proposed, are founded on concepts of broadcaster responsibility for remedy of conditions detected within a year of the start of operation and of shared broadcaster-consumer responsibility for later developments. Recognizing the transitory nature of today's society, the Notice asks "whether the Commission's rules should be modified for situations when blanketing interference occurs after the one year period." (Notice, 19.) Originally developed for protection of broadcast stations and receivers, the regulations may need to encompass other types of telecommunications equipment:

Telephone interference . . . is one of the fastest growing interference concerns in the country. The Commission receives approximately 25,000 complaints per year from individuals who are unable to use their telephones because of some type of nearby radio interference. (Notice, 23.)

For many of the same reasons that the FCC acted in 1996 to consider enlarging the scope of interference protection, Jefferson County made residential interference protection a part of its Telecommunications Land Use Plan. The Plan called for setbacks, elevation of antennas above residential areas and adjustment of power levels where necessary. It also asked broadcasters to establish a "technical committee" to provide assistance to homeowners on causes of and solutions to interference problems." There is no evidence of such a committee on the record thus far. LCG's Petition refers to a Lookout Mountain Management Plan but this appears designed to monitor compliance with the RF human exposure standards found at 47 C.F.R. § 1.1301 et seq., not to solve interference problems.

The local zoning record is replete with testimony about present and future economic

harm (V.3 6077-6081, 6062-6066), endangerment at worst and massive inconvenience at best attributable to the “nuisance” electromagnetic environment on Lookout Mountain. Thus far, the FCC’s response has been that the interference cannot be traced to particular radio sources, surely is not caused by the non-operating DTV stations and can only be dealt with for new licensees once they are on the air. C.A.R.E. respectfully suggests this after-the-fact approach is too narrow for the breadth of environmental problems on the Mountain.

Jefferson County in 1993 could not ignore the interference issues already existing, and made them a part of its TLUP. Much less could the local Commissioners ignore 1999 record evidence, from a reliable scientific source, that the doubling of transmitter power caused by the DTV Supertower “would add 1500 times more interference, enough to trigger blasting caps” at the Colorado School of Mines. (V.3, Olhoeft 6077.)

In the final analysis, after considering the issues of setbacks, antenna elevations and power levels and other elements of residential interference protection in the TLUP, the County turned to its Planned Development District zoning regulations. It found that the LCG proposal “does not demonstrate that no alternative existing site is available . . . at a reasonable cost or other business terms.” This conclusion is borne out by a close reading of the Browne Report, LCG’s own consulting engineer, who suggests some alternatives.

In March 1998, C.A.R.E. filed a petition for the FCC to stop licensing antennas on Lookout Mountain, and then as part of that filing, requested an Environmental Impact Statement and help with the blanketing interference problems caused by the existing levels of radiation. (ET-267). The FCC reacted by declaring that Lookout Mountain was an “antenna farm”, continuing to issue more antenna and tower permits on Lookout Mountain,

eventually denying the petition on May 27, 1999, and then reconsidering the petition on June 25, 1999 after C.A.R.E. appealed the FCC's actions to the Federal Court of Appeals, D.C. Circuit. C.A.R.E. v FCC, Case No. 99-1248. C.A.R.E. was forced to dismiss its appeal on July 22, 1999 since the FCC announced that they were reconsidering the matter. Nine months have passed since C.A.R.E. dismissed its appeal. The FCC has issued no final decision thereby preventing C.A.R.E. from being able to obtain judicial review.

THE LCG PROPOSED TOWER IS NOT IN AN "ANTENNA FARM"

C.A.R.E. has learned that the broadcasters and FCC use the term "antenna farm" as a technical term of art that allows the FCC to exclude applications from "environmental processing." The FCC public notice seems to predetermine the "antenna farm" status of Lookout by stating:

NATURE OF PETITION: Lake Cedar Group seeks to construct,
at a current antenna farm.

This determination is premature and contrary to the Broadcasters' own statements under oath to the FCC. After C.A.R.E. filed its original petition to the FCC in 1998, the FCC determined that the broadcasters did not need to comply with the National Historic Preservation Act, the National Environmental Protection Act, NAGRA and the Endangered Species Act because the area is an "antenna farm." ET-267. C.A.R.E. appealed this determination to the U.S. Dist. Ct. for the D.C. Circuit. The case was dismissed when the FCC advised that they were "reconsidering" the matter. The FCC has issued no final decision. C.A.R.E. incorporates by reference all its arguments in ET-267 regarding the "antenna farm" designation. Respectfully, it is inappropriate for the FCC to refer to Lookout

as an “antenna farm,” when that very issue has yet to be determined by the FCC.

On March 31, 1993, James MacDermott, LCG’s manager, swore to the FCC that the very site of the proposed supertower is not an antenna farm.

Though many communications towers are located on Lookout Mountain KCNC (Channel 4 and present LCG member) owns its site and its tower is not part of an antenna farm.

V.4 FCC document 041147. Declaration of James MacDermott, Vice President and Station Manager, KCNC-TV made under penalty of perjury on March 29, 1993 part of Channel 4 Opposition to Petition to Deny in FCC File No. BRCT-921127KM Attachment 2. [Emphasis added.]

Mr. MacDermott then described how Newsweb (Channel 14 aka Mountain Contours and Newsweb) owned the adjacent land and had repeatedly failed to obtain a special use zoning permit to rezone their acreage and build a new tower on Lookout Mountain. The total acreage in the LCG proposal is 79.6 acres. Channel 4 owns 3.11 of those acres and Mountain Contours owned at least 30 of the remaining acres and, as discussed above, was unsuccessful gaining permission to rezone for towers on three prior occasions.

There have never been any towers on this adjacent land, and this Mountain Contours acreage makes up a large part of the parcel LCG is seeking to rezone. The proposed supertower location is 110 feet away from the Channel 4 tower, which the Broadcasters have admitted is not located in an antenna farm. Since LCG member Channel 4 has sworn that they are not in an antenna farm and almost all the rest of the acreage has never had any tower on it, the LCG proposal cannot be said to be in an existing “antenna farm.”

CONCLUSION

LCG has exercised poor judgment in its efforts to comply with the requirements of the FCC's Fifth Report and Order released April 21, 1997, establishing certain protocol for the roll-out of DTV. LCG delayed more than fourteen months before seeking any land use entitlements for a tower site. Rather than locating and selecting a site removed from populated areas, LCG sought to rezone a site in Jefferson County, Colorado, on Lookout Mountain which had been proposed for rezoning for telecommunication/tower uses on three (3) occasions during the 1980's. In each of these prior cases, the rezoning request was denied by Jefferson County. On the last occasion for denial of this site, the then owners, Mountain Contours, a member of LCG, appealed the denial to the Jefferson County District Court and the Colorado Court of Appeals and the decision of the Jefferson County Board of County Commissioners was affirmed by both Courts. In short, LCG made a mistake in attempting to rezone a site that already had three (3) strikes against it.

Rather than accepting the decision of the Jefferson County Board of County Commissioners, once again denying the rezoning for this site, LCG is seeking relief not only from the Colorado state courts, but from the FCC via this unprecedented Petition for Preemption of a local zoning decision. LCG's Petition should and must be denied for the following reasons:

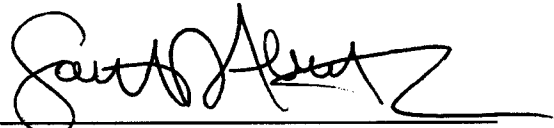
- Congress has not explicitly or implicitly granted the FCC any right to preempt local zoning decisions
- The FCC has historically deferred to local zoning decisions, including zoning decisions in Jefferson County, Colorado

- LCG members have previously taken the position that the FCC has no business interfering in local zoning decisions in Jefferson County, Colorado
- The FCC has advised the Colorado Congressional Delegates that the FCC would defer to local zoning decisions in this specific case
- LCG members have told the FCC, in past proceedings, that Lookout Mountain is not a unique site and that there are alternative sites for broadcasters to locate telecommunication facilities to serve the Denver Metropolitan area
- The Board of County Commissioners' decision denying the rezoning request of LCG is based upon multiple findings and conclusions, all of which are supported by competent evidence received by the BCC over the course of lengthy adjudicative hearing process, which is subject to appeal and review only in the Colorado state court system.

For all of the reasons summarized above, set forth in C.A.R.E.'s Initial Comments and in these Comments, CARE respectfully requests that the FCC deny LCG's Petition for Expedited Special Relief and Declaratory Ruling.

Respectfully submitted,

HOLLEY, ALBERTSON & POLK, P.C.

By: 

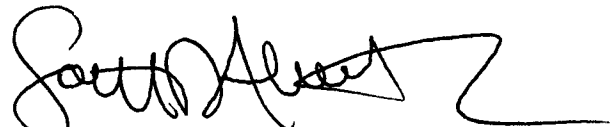
Scott D. Albertson, #8022
Attorneys for C.A.R.E.
1667 Cole Boulevard, Suite 100
Golden, Colorado 80401
Phone: (303) 233-7838
Fax: (303) 233-2860

CERTIFICATE OF SERVICE

I, Scott D. Albertson, hereby certify that on May 10, 2000, I mailed copies of the foregoing **CANYON AREA RESIDENTS FOR THE ENVIRONMENT PUBLIC COMMENTS IN OPPOSITION TO LAKE CEDAR GROUP'S PETITION FOR EXPEDITED SPECIAL RELIEF AND DECLARATORY RULING** by first-class postage prepaid mail to the following:

Edward W. Hummers, Jr.
Holland & Knight, LLP
Suite 400
2100 Pennsylvania Avenue NW
Washington, D.C. 20037-3202

Claire B. Levy, Esq.
3172 Redstone Road
Boulder, CO 80303


SCOTT D. ALBERTSON

2000

RECEIVED

MAY 10 2000

FCC MAIL ROOM



SENATE JOINT RESOLUTION 00-031

**BY SENATORS Sullivan, Congrove, Evans, Teck, et al;
also REPRESENTATIVES Witwer, Ragsdale, and Young.**

**CONCERNING URGING THE FEDERAL COMMUNICATIONS COMMISSION TO
REJECT LAKE CEDAR GROUP'S PETITION TO PREEMPT LOCAL
GOVERNMENT LAND USE DECISION-MAKING AUTHORITY.**

**WHEREAS, According to its comprehensive plan and its duly
adopted zoning regulations, the Board of County Commissioners of
Jefferson County, Colorado denied an application by Lake Cedar Group,
LLC, to rezone land on Lookout Mountain from residential and
agricultural zoning to planned development zoning in order to allow
construction of an 854-foot telecommunications supertower and a 26,000
square foot support building; and**

WHEREAS, Such decision was a quasi-adjudicative decision based on factual evidence presented to the Jefferson County Board of County Commissioners and application of applicable legal standards and as such can be appealed judicially to Jefferson County District Court, which court is fully empowered to grant full and appropriate relief to the appellant if appropriate under the facts of the case; and

WHEREAS, Lake Cedar Group filed an appeal of Jefferson County's decision in Jefferson County District Court, which appeal is now pending the filing of briefs by the parties; and

WHEREAS, Despite the pending judicial appeal, and after Jefferson County spent several months preparing the voluminous record of proceedings for the Jefferson County District Court action, Lake Cedar Group, without notifying the Jefferson County Board of County Commissioners or any other interested party, filed a petition with the Federal Communications Commission (FCC) requesting the FCC to "preempt" Jefferson County's decision and to declare Jefferson County's decision "prohibited and unenforceable"; and

WHEREAS, By Public Notice dated April 10, 2000, the FCC seeks public comment on Lake Cedar Group's petition; and

WHEREAS, In the United States, control over individual land use decisions is firmly vested in local governments, through statutory delegation from state governments; and

WHEREAS, The FCC is barred by the 10th Amendment to the United States Constitution from attempting to preempt decisions made by local governments on individual land use applications because the United States Congress has not directed or authorized the FCC to preempt such local decisions; and

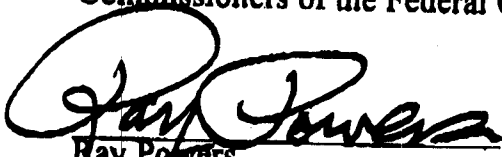
WHEREAS, The FCC lacks not only the authority, but also the expertise and any adopted standards to second-guess and invalidate local government land use decisions; and


WHEREAS, Any attempt by the FCC to preempt local government land use decision-making in this manner would represent an illegal, unauthorized, and unjustified attack on state- and local- government land use authority; now, therefore,


Be It Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

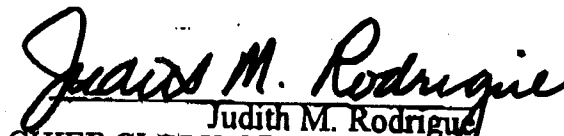
That the General Assembly of the State of Colorado hereby encourages the FCC not to preempt local government land use decision-making and state judicial processes, thus overriding local and state government authority.

Be It Further Resolved, That copies of this Joint Resolution be sent to the President of the United States Senate; the Speaker of the United States House of Representatives; each member of Colorado's Congressional delegation; each member of the House of Representatives Subcommittee on Telecommunications, Trade and Consumer Protection of the Committee on Commerce; the Governor of Colorado; and the Commissioners of the Federal Communications Commission.


Ray Powers
PRESIDENT OF
THE SENATE


Russell George
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Patricia K. Dicks
SECRETARY OF
THE SENATE


Judith M. Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Senate Chamber
State of Colorado
Denver

Office of the Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

CERTIFICATE OF MAILING

I, David Votava, certify that on this 8th day of May, 2000, have mailed
a copy of the enclose Senate Joint Resolution 00-031 to the Following individuals:

Jefferson County Attorneys Office
100 Jefferson County Parkway
Golden, Co. 80419
Attn: Frank Hutfless

Edward W. Hummers Jr.
Holland & Knight LLP
2100 Pennsylvania Ave. N.W.
Washington, DC 20037-3202

Sincerely,

A handwritten signature in black ink, appearing to read 'David J. Votava'.

David J. Votava
Chief Enrolling Clerk
Colorado State Senate
200 E. Colfax Ave. Rm 251
Denver, Colorado 80203
(303) 866-4836

THOMAS G. TANCREDO
6TH DISTRICT, COLORADO

WASHINGTON OFFICE:

1123 LONGWORTH BUILDING
WASHINGTON, DC 20515
MAIN: (202) 225-7882
FAX: (202) 226-4623

DISTRICT OFFICE:

6601 S. BROADWAY, SUITE 370
LITTLETON, CO 80121-8079
MAIN: (720) 283-9772
FAX: (720) 283-9776
SENIOR RESOURCE: (720) 283-9026

CO SCHOOL SAFETY HOTLINE:
(877) 542-SAFE

Congress of the United States
House of Representatives
Washington, DC 20515-0606

April 26, 2000

**COMMITTEE ON EDUCATION
AND THE WORKFORCE**

SUBCOMMITTEES:
EARLY CHILDHOOD, YOUTH AND FAMILIES
OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON RESOURCES

SUBCOMMITTEE:
ENERGY AND MINERALS

**COMMITTEE ON
INTERNATIONAL RELATIONS**

SUBCOMMITTEES:
INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS
AFRICA

The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street NW
Washington, DC 22054

Dear Chairman Kennard,

This letter is intended as a public comment to Docket DA00-764 on the petition for preemption filed by the Lake Cedar Group, LLC (LCG) on the siting of broadcast facilities on Lookout Mountain near Denver, Colorado.

On two separate occasions, I have solicited the opinion of the Federal Communications Commission regarding the authority of the Jefferson County Commissioners to make a decision on the zoning of new broadcast facilities on Lookout Mountain. On each occasion, I received a response from you indicating that the FCC respects the expertise and jurisdiction of local governing bodies on zoning considerations. Furthermore, it is my understanding that any decision by the FCC to preempt the County's decision to deny the zoning of a new Digital Television Tower would be nationally unprecedented and in violation of the Congressional intent of the Telecommunications Act of 1996.

In your March 3, 1999 letter responding to an inquiry by Senator Wayne Allard and myself, you indicated that the FCC had reviewed the Lake Cedar Group's application and had submitted its comments to the Jefferson County Planning and Zoning Department for consideration. Responding to our central question regarding the FCC's authority over the zoning of a new broadcasting tower on Lookout Mountain, you wrote:

"As for the local permitting process, the FCC traditionally does not involve itself in local land use matters. The FCC has long held that zoning questions should be left to local zoning authorities who, the FCC believes, are best suited to resolve such questions... The Commission has provided its input to local officials concerning the RFR matter and defers to the decision of the Jefferson County Commissioners on the remaining local land use matters."

In response to my letter of December 17, 1999 you wrote:

"While the Commission is vitally concerned with the prompt initiation of DTV service by broadcasters, let me assure you that we also remain committed generally to respecting local authorities' expertise in and jurisdiction over the local interests involved in zoning considerations."

Unequivocally, the Jefferson County Commissioner's decision to deny LCG's proposed tower was based on matters of land use. The Resolution provides a number of reasons for their rejection of LCG's proposal. This includes, but is not limited to, findings that the proposal:

1. ...does not substantially conform with the Central Mountains Community Plan because it does not conform to the policy recommendations associated with visual resources, public services/facilities and mountain site design criteria.
2. ...does not substantially conform with the Jefferson County Telecommunications Land Use Plan because it does not conform to the policy recommendations associated with tower siting.
3. ...does not meet minimum standards for telecommunications facilities contained in the Jefferson County Zoning Resolution. The proposal fails to meet these standards because it does not demonstrate that no alternative existing site is available to accommodate the equipment at a reasonable cost or other business terms, because the proposal does not contain sufficient setbacks, and because the proposal does not demonstrate that the NIER emission levels set forth by the federal government and ANSI standards are met.

As you can see, the County Commissioners based their decision on a variety of legitimate land use considerations. The County Commissioners held a series of public hearings on the proposal and reviewed thousands of pages of information before arriving at their decision.

Given the clear jurisdiction and intensive deliberations of the County Commissioners on this case, I cannot foresee that a more informed decision would be made by a federal agency on these local matters. I strongly believe that the FCC should respect and support the local laws and regulations regarding land use. There is no matter of precedence or justifiable purpose for the FCC to intervene in this case.

I appreciate the FCC's willingness to open the LCG's petition to the public for comment, but I strongly urge the FCC to drop its consideration of this petition due to a lack of jurisdiction. I look forward to your response to these comments.

Sincerely,



Tom Tancredo
Member of Congress

CC:

The Jefferson County Commissioners
The Colorado Congressional Delegation
The Honorable Bill Owens, Governor
Edward W. Hummers, Jr and J. Steven Rich, Holland & Knight LLP

April 22, 2000

TO: Federal Communications Commission, Washington D.C. 20554
FROM: Carole Lomond, 475 Colorow Road, Golden, CO 80401 (telephone 303 526-2420)
RE: Public Comment on DA 00-764

**PETITION FOR EXPEDITED SPECIAL RELIEF AND DECLARATORY RULING
by Lake Cedar Group LLC against the Board of County Commissioners
of Jefferson County, Colorado**

More than 30,000 Greater Golden, Colorado residents and businesses would have been forced to suffer from additional radio frequency interference and potential biological effects if Lake Cedar Group had been granted permission to build their "super tower." Denver TV stations proposed to double the nonionizing radiation in a residential area where 1,000 families live at higher altitudes than the tower base. The purpose of the venture was extraordinary profit from tower space rental, not just for "mandated" DTV transmitters.

Denver TV station members of "Lake Cedar Group" did not provide objective facts about many opportunities for their super tower, including millions of federal acres immediately west of Jefferson County, at higher altitudes. LCG could develop a site similar to Mt. Wilson that serves the Los Angeles area, from Santa Barbara to San Diego. There are also several approved industrial tower sites available in unpopulated areas. LCG misrepresented the fact that shadows prevent absolute signal reception from all tower sites in mountain terrain.

LCG consultants presented false nonionizing electromagnetic radiation measures, ignoring many public areas on Lookout Mountain that exceed FCC and Jefferson County limits. This false NIER reporting, and many other misleading aspects of LCG's proposal, has caused Jefferson County citizens suspicious of industry/government corruption. The FCC appears to represent the best interests of their Denver broadcast "clients" at the expense of health, safety and welfare of citizens. More NIER will never be less. More MTBE will not clean up ground water. More beryllium will not heal damaged lungs. More ionizing radiation will not prevent cancer. NIER fragments DNA, but the broadcast and wireless industries have convinced the FCC that independent research of long-term exposure to low levels of NIER should not be funded.

The Denver broadcast industry has ignored the property rights of citizens in the area which was completely platted for homes by 1924. Public road access to Lookout Mountain in 1912 and 1937 brought development of 250 homes before towers were erected on residential-zoned lots in the early 1950s when tobacco, DDT and asbestos were popular. The negative impact on four public properties listed on the National Registry of Historic Places was ignored by extreme proliferation of RF devices and effective radiated power from the mid 1970s to the early 1990s. Industrial polluting activities are not compatible with families raising children any more than hog farming or pesticide manufacturing is. The Denver RF industry simply wants more, limitless more tower space and financial profit, if they can get away with it.

Preempting local land use decisions to satisfy the greed of a sociopathic industry with unlimited propaganda power is the most outrageous abuse of "free enterprise" this nation has ever known! Jefferson County Commissioners listened carefully during 36 hours of public hearings held for Lake Cedar Group's proposed venture. Enclosed are photocopies of coverage by *City and Mountain Views*, which I published to serve the citizens' right to know. Also enclosed is a photocopy of a *Westword* article and a television documentary, *Broadcast Blues*. I enclose them because "The Media" does not expose the truth about themselves.

Copies to: President Bill Clinton, Vice President Al Gore, U.S. Congressman Tom Tancredo, U S Senator Wayne Allard, and U.S. Senator Ben Nighthorse Campbell

Carole Lomond

April 22, 2000

TO: Federal Communications Commission, Washington D.C. 20554
FROM: Carole Lomond, 475 Colorow Road, Golden, CO 80401 (telephone 303 526-2420)
RE: Public Comment on MM Docket No. 00-39, for ruling by the FCC

FCC RULES AND POLICIES AFFECTING THE CONVERSION TO DIGITAL TELEVISION

The U. S. Congress adopted the 1996 Telecommunications Act without due diligent financial planning and research of public impact from 110,000 more radio frequency broadcast devices. The reckless gift of \$70 billion of television spectrum to local TV stations, owned by huge multi-billion-dollar corporations, ripped-off the American taxpayer.

The National Association of Broadcasters wrote, lobbied and secured the legislation for huge future profits. This is like the millions of acres of land given to a few railroad barons in 1862. The resulting corruption caused Congress to "regulate" railroads to protect the rights of American citizens by 1886.

Adding DTV broadcast signals in any residential environment, already saturated with nonionizing electromagnetic (NIER) radiation, without funding independent research of the biological and RF interference effects, is reckless and corrupt. Congress has never funded research to determine the long-term biological effects of low levels of NIER. Blindly adding more NIER is exactly like asbestos, DDT, ionizing radiation from nuclear weapon production, and most recently, dumping MTBE into ground water without due diligent research.

According to *COMAR Reports*, Sep/Oct 1995 (p.650), "Public Exposure to Radiofrequency Fields from High Definition Television (HDTV) Broadcasting," at least 350,000 Americans will be continuously exposed to more than 20uW/cm² from the addition of broadcast DTV. The report predicts that 16,800,000 Americans will be continuously exposed to more than 1uW/cm².

Today's public exposure NIER limit in Russia is 1uW/cm². *Project Pandora*, a study of Soviet Union military exposure to the U.S. Embassy staff in Moscow in 1971, discovered a continuous, 24-hour daily exposure of 10 to 15uW/cm² had caused serious health and behavior effects. The U.S. Congress and American public have not been told the truth about potential health risks or the consequences from more RF interference with electronic devices necessary for millions of businesses and families.

Broadcast television networks are some of the limitless entertainment and information options available on the World Wide Webb, with the highest quality received from satellite and fiberoptics. Congress and the FCC must first support independent research and respect the health, safety and welfare of citizens. Otherwise, our great democracy will be controlled entirely by Big Brother Broadcast TV—"The Media."



Copies to: President Bill Clinton, Vice President Al Gore, U.S. Congressman Tom Tancredo, U. S. Senator Wayne Allard, U.S. Senator Ben Nighthorse Campbell and Edward Springer (Office of Management & Budget)

Megalie R. Salas

Secretary, Federal Communications Commission

445 12th St. S.W.

Washington, DC 20554

Re: DA 00-764

Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND DECLARATORY RULING" to Preempt Jefferson County Denial of Supertower.

May 5, 2000

Dear Ms. Salas:

The FCC has been asked by Lake Cedar Group (LCG) to preempt the local decision made by Jefferson County with respect to placement of LCG's proposed DTV transmission facility. If the FCC preempts this decision, the FCC will be taking on additional responsibility for making local zoning decisions that affect many residents of the Lookout Mountain community. With this in mind, let's examine the record of the FCC with respect to performance of the tasks the FCC already has on Lookout Mountain.

The FCC is tasked with producing and enforcing regulations to protect the public from harmful effects of overexposure to RF radiation produced by its licensees. In 1986 the FCC was put on notice that its policy of not monitoring radiation from its licensees, coupled with the broadcaster's policy of not truthfully telling the FCC about the exposure levels caused by their radiation, was resulting in an "out-of-control" situation with respect to protecting the public from overexposure to RF radiation. In 1986 the EPA measured power densities as high as 4,400 $\mu\text{W}/\text{cm}^2$ under the KYGO antenna on Lookout Mountain. Beryl Main lived under the KYGO antenna, and he died of cancer. In October 1997, Robert Weller of Hammett & Edison notified the FCC of RF exposure levels exceeding 100% of the public limit in the vicinity of the Channel 6 tower on Lookout Mountain. The FCC did not request any remedial action. In 1998, I bought an RF Survey meter and made measurements of RF exposure at many publicly accessible places on Lookout Mountain, and found RF exposure levels as high as 250% of Maximum Permissible Exposure (MPE). In fact, every high power broadcast site I measured (both on Lookout Mountain and Mt. Morrison) had exposure levels exceeding the public limit. In a rare visit to Lookout Mountain, FCC engineers made measurements and confirmed the excesses. On October 29, 1998, Dr. Robert Cleveland of FCC OET stated that the FCC would not routinely monitor RF exposure levels on Lookout

Mountain because the FCC does not have the funding or resources. We see that in spite of having found 14 years earlier that the "don't monitor-don't tell" system was not working to protect public health and safety, the FCC continued with the same system. Even after the many excesses discovered on Lookout Mountain in 1998, the FCC *doesn't care* enough about the health and safety of Lookout Mountain residents to provide funding for routine monitoring. I would submit that if the FCC does not have the resources to fund routine monitoring of RF levels in the vicinity of high power broadcast facilities, the FCC should not license high power broadcast facilities to operate in residential areas.

Let's examine the topic of RF interference. The FCC claims to "fully occupy" the area of RF interference. The FCC has left a regulatory vacuum with respect to RF interference to residences from television transmitters: The FCC *has no* regulations regarding interference to residents from television transmitters. In the 1950's television transmitters with total Effective Radiated Power (ERP) of a few hundred kilowatts were allowed to start transmitting from Lookout Mountain. Since that time, without regard to (or regulation of) television interference, the FCC has licensed many more transmitters in this residential community until the total ERP of transmitters on Lookout Mountain has grown to over 10 megawatts. Stereos, tape players and CD players buzz

with the sync signals of TV stations such as FOX Channel 31, transmitting 5 megawatts ERP, and KCEC Channel 50, transmitting 2.5 megawatts ERP. Like a cancer, the *de facto* antenna farm on Lookout Mountain has grown until it dominates this community, not only visually, but in the way it affects our everyday lives. Local residents have to live with the inconvenience of electronic devices such as automobile remote keyless entry systems and electronic garage door openers not operating properly because of RF interference from the broadcast towers. The FCC has been aware of the severe interference on Lookout Mountain, and yet has demonstrated that it *doesn't care* about it by granting construction permits for additional DTV transmitters on Lookout Mountain. It is easy for FCC officials living half a continent away to ignore the real concerns of the people on Lookout Mountain.

Let's examine the topic of public access to publicly owned land. In 1999, I made measurements of RF exposure levels at a popular hiking destination, a high ridge in Red Rocks Park on Mt. Morrison, owned by the City and County of Denver. This ridge is at a higher elevation than the base of the adjacent tower that supports antennas for Channel 20 TV, Channel 14 TV and KIMN FM. In fact, the ridge is at the same elevation as the KIMN antenna. RF exposure levels on the ridge were found in excess of 250% MPE. The recommendation of the FCC was not a power reduction by KIMN or a technical

fix to the KIMN antenna, but an effective closure of this portion of the park by posting signs warning hikers that hiking past the signs would result in possible exposure to RF levels exceeding the public limit! We see that the FCC in Washington DC *didn't care* about public access to land that local residents in Colorado paid to acquire and use. The FCC cared, instead, about the economic burden to licensee KIMN that would be incurred by requiring a power reduction or technical fix of the antenna. The ridge on Red Rocks Park has been closed one year now for the convenience of KIMN, and the FCC *doesn't care*.

With the demonstrated uncaring attitude the FCC has toward the citizens of Lookout Mountain and Jefferson County, it is chilling indeed, that the FCC is considering taking on the responsibility of having an even greater role in making decisions that affect this local community. What requirement does the FCC propose to supercede Jefferson County's requirement that the tower be set back far enough from the property line such that it cannot fall onto nearby occupied residences? Will any setback be OK as long as a Colorado tower does not fall into Washington DC? It is time that the FCC admits that it has done a dismal job here, even with the limited responsibilities it has. It is time for the FCC to tell Lake Cedar Group to take its proposed high power DTV transmitters to any one of several available technically feasible developed or undeveloped sites that are not in a heavily populated area.

Sincerely,

A.R. Hislop

Alfred Hislop

64 lookout Mountain Circle

Golden, CO 80401

Certificate of Mailing:

I, Alfred Hislop, certify that on this 5th day of May 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich

Holland & Knight LLP

Suite 400

2100 Pennsylvania Ave., NW

Washington DC 20037-3202

Signed by

A.R. Hislop

@Contact

May 5, 2000

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th St. S.W.
Washington, DC 20554

Re: DA 00-764

Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND DECLARATORY RULING" to Preempt Jefferson County Denial of Supertower

Dear Ms. Salas,

I represent the owner of @Contact Tower Site, a mountain RF site overlooking Denver. In response to the Public Notice dated April 10, 2000 seeking public comment, we ask that @Contact Tower Site be considered for Denver DTV Tower Location. We believe our site is a viable DTV site based on our review of Denver DTV Site Investigations by Browne and Associates. Please review the following site description. We welcome further discussion.

Site Characteristics

@Contact's Tower Site is referred to in Douglas County documents as the Jarre Canyon Telecommunication Tower. It has been designated by the county as a telecommunications site. It provides clear line of sight coverage of Denver and surrounding area from an altitude of 7300 ft. It is the highest point on the @Contact 52-acre telecommunications site.

The current 85 ft. SS tower with 20 ft. base will support an additional 100 ft. Located near the base of the existing radio tower is a 900 sq. ft. secure Telco-built equipment building with road access. This tower support building includes air-conditioning, telephone lines, redundant electrical power equipment, and fault protection systems. It is connected by fiber to our 3600 sq. ft. satellite uplink building located at the highway entrance of the facility.

The top of the mountain is relatively flat and has 5 to 10 acres of build able property. There are no tower fall issues for a tower of 800' as there are no other neighbors or buildings within a fall radius.

Site Coordinates:

LAT 39-23-06
LON 105-02-51
AGL 535
AMSL 7335

Access

The site is easily accessible from Denver via I 25 or Sante Fe south, taking Highway 67 (County maintained road) west for 7 miles to @Contact. The tower site is off the main road about 1/2 mile. The road to the top is gravel but could be paved and widened as the access is all owned by @Contact

Power Availability

The site currently has 3-phase 500kva service. IREA has confirmed they can provide additional transformers up to 3000kva as needed.

Existing Towers

The current 85 ft. SS tower with 20 ft. base will support an additional 100 ft. Current tenants are: KSBS Ch. 67 low power TV
Pagenet and Arch paging antennas

2539 Highway 67, Po Box 348, Sedalia, Co 80135
ph 303-688-5162 fax 303-660-5162

Zoning

This is always an uncertainty until application is filed and approved. Douglas County in general has demonstrated a favorable attitude toward business development and a willingness to consider a well prepared application. We have found them to be quite reasonable in our teleport facility applications.

FAA obstruction

The @contact site has no known FAA compliance issues.

RFR Issues

The critical issue here is the proximity to population. About 10 residents can see the @Contact tower site. Only about 5 of those are within a 1-mile radius. RFR may be an issue for those people but this would likely depend on the amount of RFR resulting from any new build out. As there are very few existing tenants the site lends itself to selecting transmissions of DTV so that the aggregate concentration of RFR would be much lower than Lookout Mountain. The population density is lower than most other prospective sites except for undeveloped sites that would face other environmental problems.

FCC Issues

There are no known FCC issues that are unique to this site.

DTV Interference

Additionally the site location appears to more favorably positioned in regards to co-channel and adjacent channel problems of Vail and Grand Junction than the other mountain top sites.

Coverage

Ac provides effective coverage from castle rock to boulder. We are currently running a low power TV station of only 2kw with good contour coverage. While the distance to the largest population density is greater than lo, a smaller required angle of primary coverage allows for more efficient distribution of power. This is because the site lines are more in line with the foothills and do not require full hemispherical coverage. This advantage can be realized thru recent advancements in antennae technology.

The increased distance from Boulder may actually be advantageous. Not only does it reduce Table Mountain problems but could provide the decrease in signal needed to make low power DTV repeater technology feasible in Boulder. As no current proposed site assures good Boulder coverage, perhaps this alternative should be explored.

FM Co-Location

It is our understanding that this is primarily an issue with Ch. 6 and the public broadcast FM. We could accommodate those stations.

Accommodate All Stations

The @Contact facility appears to be one of the few options where this is a possibility.

Environmental

The population density is lower in Jarre Canyon than any other prospective sites except for undeveloped locations that would face other environmental problems. As an existing designated telecommunications site the necessary environmental studies would not be expected to meet unusual obstacles.

Table Mountain Quiet Zone

All alternative sites are a disadvantage relative to Lookout Mountain where "grand fathered" usage is the path of least resistance. If the FCC is to grant any alternative DTV site license to operate in Denver it would likely favor a site that is as far south as possible to avoid Table Mountain Quiet Zone interference. The @Contact tower site is likely the location that best fits this criteria.

Land Ownership Availability

While the site is not currently for sale, one person privately owns it. This includes all access to the county road. A sale of the portion of the land needed for DTV development is a possibility.

STL Interconnect

In addition to clear microwave paths to virtually the entire metro area, plans have been made with US West to install an OC48 fiber into the facility.

Sincerely,

David V. Jackson

David V. Jackson

Director of Business Operations
@Contact, LLC

2539 N. Highway 67
PO Box 348
Sedalia, Co. 80135

Certificate of Mailing:

I, David Jackson, certify that on this 5th day of May, 2000, I mailed a copy of this filing to :

Edward W. Hummers, Jr, J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Ave., NW
Washington, DC 20037-3202

Signed by:

David Jackson

Cc:

Frank Hutfless
Jefferson County Attorney
Jefferson County Building
100 Jefferson County Parkway
Golden, Co. 80419

Deborah Carney
Attorney for C.A.R.E.
21789 Cabrini Blvd.
Golden, Co. 80401

And the Colorado Delegation:

Senator Wayne Allard
513 Hart Senate Office Bldg.
Washington, D.C. 20510
Fax: 202-224-6471
Phone: 202-224-5941

Peter Jacobson
Senator Wayne Allard's Office
7340 E. Caley Suite 215
Englewood, Co. 80111
Fax: 303-220-8126

The Honorable Ben Nighthorse Campbell
U.S. Senate
380 Russell Senate Office Bldg
Washington, D.C. 20510
Fax: 202-224-1933

Congressman Tom Tancredo
Colorado 6th District
1123 Longworth
Washington, D.C. 20515
FAX-(202) 225-7882

Congressman Scott McInnis
Colorado 3rd District
320 Cannon House Office Building
Washington, D.C. 20515
Fax: 202-226-7840

Congresswoman Diana DeGette
1339 Longworth
Washington, D.C. 20515
Fax: 202-225-5657

Congressman Mark Udall
Colorado 2nd District
128 Cannon HOB
Washington, DC 20515
FAX: 202-226-7840

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: DA 00-764
Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to Preempt Jefferson County Denial of Supertower

Dear Ms. Salas,

I respectfully ask that the FCC deny the subject Lake Cedar Group Petition. Lake Cedar Group's proposal to build a large broadcast facility on Lookout Mountain was given a full and fair hearing by our local government in Jefferson County and was denied. The local community's opposition to the proposed new broadcast tower was noted by our Jefferson County Commissioners, and clearly factored into their decision. The Commissioners also noted the Lake Cedar Group's unwillingness to seriously consider alternative sites for their new digital broadcasting facilities in denying the proposal. Despite the public protestations of the Lake Cedar Group, alternative broadcast sites exist on El Dorado Mountain and Squaw Mountain. However, the Lake Cedar Group wants the Lookout Mountain broadcast site and tower, apparently since it would be financially lucrative for them, though they cite technical factors when explaining why they behave like Lookout Mountain is the only feasible site. I believe our Jefferson County Commissioners correctly evaluated the Lake Cedar Group's stance relative to alternative sites when they denied the proposal.

I fail to see why the FCC would involve itself in this matter. Since the Lake Cedar Group was given a fair hearing by the local government in Jefferson County and since alternative broadcast sites are available, I fail to see why some outside entity should interject itself in this matter and arbitrarily rule that a particular broadcast site must be approved, when several options exist. An attempt to preempt a reasonably arrived at local judgement is repugnant, considering that the judgement does not prevent the digital broadcasting that all concerned seek to achieve. The Lake Cedar Group's foot-dragging on proceeding with other viable sites, suing of Jefferson County over the matter, and trying to bring in an outside entity so that they can get their way is even more repugnant. These efforts make clear to me the financial incentives they have relative to the proposed Lookout Mountain tower. They are willing to spend piles of money to get their way. However, the local citizens of the Denver metropolitan area are not going to roll over and get trampled on this issue.

Please note the adamant opposition to FCC preemption indicated by members of Colorado's congressional delegation and by Colorado's state legislature (Senate Joint Resolution 00-031). One would have to wonder whose interest's the FCC is serving if an attempt is made to force the most financially lucrative broadcast site upon the local populace, instead of letting a local decision-making process that is proceeding rationally and reasonably handle this matter.

In light of the health concerns and unanswered medical questions that currently exist relative to

broadcast facilities, and concerns that current broadcast radiation exposure limits are badly out of line with standards set in other technologically advanced countries, it would seem that the FCC should be spending its time and talent on matters that would provide societal benefit, rather than acting in a manner that would give the appearance of being in the hip pocket of broadcast companys and attempting to enrich them through dictatorial behavior.

Thank you for giving consideration to my views on this matter.

Sincerely,



Jay N. Stateler
25836 Buffalo Lane
Golden, Colorado 80401

Certificate of Mailing:

I, Jay N. Stateler, certify that on this 5 of May, 2000,
I mailed a copy of this filing to:

Edward W. Hummers, Jr, J. Steven Rich Holland & Knight LLP
Suite 400
2100 Pennsylvania Ave., NW
Washington, DC 20037-3202

Signed by: _____



Megalie R. Sales
Secretary, Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Kathleen T. McLean
Ramon G. McLean
21986 Panorama Drive
Golden, CO 80401-9451

Re: DA 00-764

Lake Cedar Group Petition

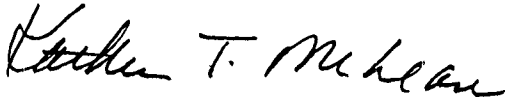
"PETITION FOR EXPEDITED SPECIAL RELIEF AND DECLARATORY RULING"
to preempt Jefferson County Denial of Supertower

Dear Ms. Salas

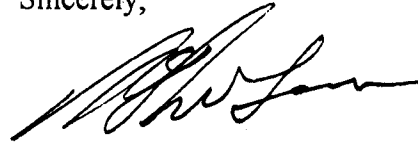
We request that the Federal Communications Commission (FCC) take no action regarding the subject petition to preempt Jefferson County government. The County government acted within its jurisdiction regarding the Cedar Lake Group actions before the County Board of Commissioners. We believe the FCC has no jurisdiction to override the representative level of government in our County.

The impairment of our health caused by these towers more than outweighs the economic greed that the Lake Cedar Group seeks "special relief" for.

Sincerely,




Kathleen T. McLean



Ramon G. McLean

Certificate of Mailing:

I, , certify that on this 3rd of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr.
J. Stevens Rich Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

Cc:
Frank Hutfless
Jefferson County Attorney
Jefferson County Building
100 Jefferson County Parkway
Golden, Co. 80419 ✓

Deborah Carney
Attorney for C.A.R.E.
21789 Cabrini Blvd.
Golden, Co. 80401 ✓

✓ And the Colorado Delegation:
Senator Wayne Allard
513 Hart Senate Office Bldg.
Washington, D.C. 20510
Fax: 202-224-6471 ✓
Phone: 202-224-5941

✓ Peter Jacobson
Senator Wayne Allard's Office
7340 E. Caley Suite 215
Englewood, Co. 80111
Fax: 303-220-8126 ✓

✓ The Honorable Ben Nighthorse Campbell
U.S. Senate
380 Russell Senate Office Bldg
Washington, D.C. 20510
Fax: 202-224-1933 ✓

✓ Congressman Tom Tancredo
Colorado 6th District
1123 Longworth
Washington, D.C. 20515
FAX-(202) 225-7882 ✓

✓ Congressman Scott McInnis
Colorado 3rd District
320 Cannon House Office Building
Washington, D.C. 20515
Fax: 202-226-7840 ✓

✓ Congresswoman Diana DeGette
1339 Longworth
Washington, D.C. 20515
Fax: 202-225-5657 ✓

✓ Congressman Mark Udall
Colorado 2nd District
128 Cannon HOB
Washington, DC 20515
FAX: 202-226-7840 ✓

21584 Mountsfield Drive
Golden, CO. 80401
May 1, 2000

Ms. Megalie R. Salas
Secretary Federal Communications Commission
445 12th St, SW
Washington D.C. 20554

Subject: DA 00-764

Dear Ms. Salas:

In 1987, after almost two years of lingering painful illness, my late wife Betty died from a brain tumor (Glioblastoma). Three years earlier my son Michael, who also lived on Lookout Mountain, was operated on for a non malignant brain tumor (angiofibroma), an egg size tumor located below his eyes (he survived).

Recent sworn public testimony leaves absolutely no doubt in my mind that these tumors and my late wifes death were caused by radiation from the television antennae located one mile from my home.

Someone must stop the continuing carnage proposed by the Lake Cedar Group in attempting to have the FCC preempt the Jefferson County (Colorado) Commissioners over the authority on the Lookout Mountain Super Tower. I feel that my life and health is at risk over your decision on this issue.

Please, please allow the Jefferson County Commisioners to do what is in the best interest of its citizens. Deny the Lake Cedar Group the ability to construct a super tower on Lookout Mountain.

Since FOX television added a digital antenna on Lookout Mtn. Reception of Channels 7 and 9 at my home have become extremely poor.

Yours truly,



Paul K. Kopper

cc. Senator Allord
Senator Campbell
Congressman Tancredo

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Re: DA 00-764

Lake Cedar Group Petition "**PETITION FOR EXPEDITED SPECIAL RELIEF AND DECLARATORY RULING**" to Preempt Jefferson County Denial of Supertower

Dear Ms. Salas,

May 5, 2000

Our family and friends strongly oppose any preemption of the Jefferson County denial of the rezoning for the construction of a new broadcast tower on Lookout Mountain by the Lake Cedar Group. First, this preemption would override the lawful authority of local government to rule on matters of land use. Secondly, the County Commissioners have followed due process by having a series of public hearings and open debate on the subject. They deliberated cautiously and seriously on a massive amount of scientific data and public opinion. In the final analysis, the Lake Cedar Group has not been denied any access to broadcast facilities because there are clearly very safe, economically and technologically feasible, and environmentally and aesthetically superior alternative sites available.

Sincerely,

Steve Hoppin *Diana Hoppin*
Steve and Diana Hoppin
21728 Mountsfield Drive
Golden, CO 80401
303-526-2067

Certificate of Mailing:

We, Steve and Diana Hoppin, certify that on this fifth day of May, 2000, we mailed a copy of this filing to :

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Ave., NW
Washington, DC 20037-3202

Signed by: *Steve Hoppin* *Diana Hoppin*

Cc:

Frank Hutless
Jefferson County Attorney
Jefferson County Building
100 Jefferson County Parkway
Golden, CO 80419

Deborah Carney
Attorney for C.A.R.E.
21789 Cabrini Blvd.
Golden, CO 80401

And the Colorado Delegation:

Senator Wayne Allard
513 Hart Senate Office Bldg.
Washington, D.C. 20510
Fax: 202-224-6471
Phone: 202-224-5941

Peter Jacobson
Senator Wayne Allard's Office
7340 E. Caley Suite 215
Englewood, CO 80111
Fax: 303-220-8126

The Honorable Ben Nighthorse Campbell
U.S. Senate
380 Russell Senate Office Bldg.
Washington, D.C. 20510
Fax: 303-224-1933

Congressman Tom Tancredo
Colorado 6th District
1123 Longworth
Washington, D.C. 20515
Fax: 202-225-7882

Congressman Scott McInnis
Colorado 3rd District
320 Cannon House Office Bldg.
Washington, D.C. 20515
Fax: 202-226-7840

Congresswoman Diana DeGette
1339 Longworth
Washington, D.C. 20515
Fax: 202-225-5657

Congressman Mark Udall
Colorado 2nd District
128 Cannon HOB
Washington, D.C. 20515
Fax: 202-226-7840

Megalia R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

RE: DA 00-764

Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,

I, WILLIAM R. McFARLANE, certify that on this 8th day of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: William R. McFarlane

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall

Megalia R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

RE: DA 00-764

Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,

I, SHARON A. McFARLANE, certify that on this 8th day of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: Sharon A. McFarlane

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

RE: DA 00-764

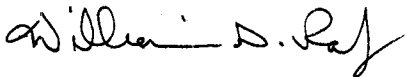
Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,



I, William G. Rankin, Jr., certify that on this 6th day
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: 

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall

James D. Vine

21736 Panorama Drive
Golden, CO 80401

May 6, 2000

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th St. S. W.
Washington, D.C., 20554

Dear Ms Salas:

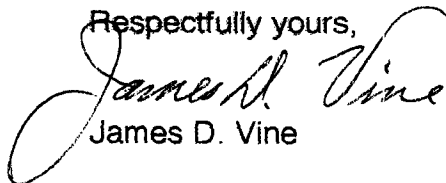
As a 37-year resident of the Lookout Mountain area, near Golden, Colorado, I am shocked and horrified at the arrogance of the Lake Cedar Group. They have requested the FCC to overturn the lawful decision of our County Commissioners to deny them the rezoning required for them to construct another TV "super tower".

The resident population here does not wish to be subjects of an experiment on their health. After all, there are alternative sites for such a tower where they would be welcome.

Why risk a contentious legal battle over the interpretation of the 10th Amendment to the Constitution of the United States, which states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people. "

Clearly, this gives our local government the authority to grant or deny land usage as they see fit.

Respectfully yours,



James D. Vine

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

RE: DA 00-764
Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,

I, KENNETH ZARLENGO, certify that on this 8 day
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: Kenneth Zarlengo

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

RE: DA 00-764

Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,

I, Marjorie C. Espy, certify that on this 8th day
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: Marjorie C. Espy

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554


RE: DA 00-764
Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,

I,  , certify that on this 8th day of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: 

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

RE: DA 00-764

Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,

I, Darlene J. Epline, certify that on this 8th day of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: Darlene J. Epline

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

RE: DA 00-764

Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,

Brian S. Smith
I, *Brian S. Smith*, certify that on this 8th day
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: *Brian S. Smith*

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

RE: DA 00-764
Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,

I, Brad Ross-Shannon, certify that on this 7 day
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: Brad Ross-Shannon

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall

May 8, 2000

RE: # DA 00-764

Federal Communications Commission
Washington, D.C.
ATT: Megalie Salas, Secretary

Dear Federal Communications Commission members,

We are totally outraged as Jefferson County, CO residents, that you are making an attempt to pre-empt a decision already made by our proper and locally elected Jefferson County Commissioners RE: TOWERS IN OUR IMMEDIATE NEIGHBORHOOD !

Your attempt to pre-empt the decision made lawfully by our Commissioners after many hearings, which we both attended, is a VIOLATION OF OUR RIGHTS, it is a VIOLATION OF DUE PROCESS, and a VIOLATION OF OUR RIGHTS GIVEN US IN THE 5TH AMENDMENT & 10TH AMENDMENT!

You should not make any attempt to violate our rights as citizens!

The Lake Cedar Group is attempting to make an end run around the existing laws, and cares nothing about our thousands of citizens in our neighborhood! We surely hope that FCC cares about the thousands of citizens in our neighborhood! The Lake Cedar Group can find another more isolated location. They do exist. They don't have to be in our heavily populated neighborhood! They just don't want to make a bona-fide effort. It is obvious to all that the answer to all of this is for the Lake Cedar Group to find a location that is not so heavily populated. They do exist.

If the FCC still tries to pre-empt the decision already made of denial of the towers in our heavily populated area, and if the FCC helps rule in favor of the greedy Lake Cedar Group, then here is what FCC would accomplish by making an unconstitutional pre-emption against the wishes of the thousands of citizens who live near the tower area and who look at that area every day of OUR LIVES:

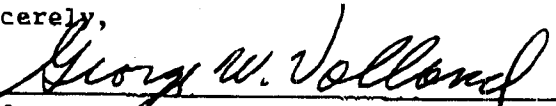
1. It would very greatly lower the property values of thousands of citizens, so we would then lose life savings!
2. It would adversely affect the health of those who live in the tower area, as we do. This is not fair to us! Do you want to be a part in doing this to us???
3. It would snuff out any joy of living in the home that we purchased 20 years ago before this tower problem. QUESTION: What, then, is the point of living????
4. We have a business in a section of our home that is directly facing the towers. This is our only source of income. It has been proven that more radiation and tower activity will significantly affect our office equipment, and cause it not to function!

THEREFORE, YOUR DECISION COULD PUT US OUT OF BUSINESS!!!

If you pre-empt, and we are put out of business because our office equipment will not function because of tower activity, we believe our business attorney, when filing, would take into consideration your decision to affect our personal and business lives so radically based upon the fact that pre-empting is a violation of due process, and our rights under the 5th and 10th amendment.

We surely hope that you make the only wise decision possible: which is (NOT) to pre-empt. Then: the Lake Cedar Group will find another location, which will not be so hazardous to such a densely populated area of thousands of citizens.

Sincerely,


1962 Montane Drive East, Golden, CO 80401
George W. Volland.


(Mrs. George W. Volland)

Guenter & Vera L. Grothe

425 Colorow Rd
Golden, CO 80401
(303) 526-9242

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th St. S.W.
Washington, D.C. 20554

Re: DA 00-764

**Lake Cedar Group Petition " PETITION FOR EXPEDITED SPECIAL RELIEF
AND DECLARATION RULING" to Preempt Jefferson County Denial of
Supertower**

Dear Ms. Salas,

**The Lake Cedar Group has filed a petition urging the FCC to preempt the
Jefferson County Commissioners decision denying rezoning for the supertower and
order the placement of the supertower on Lookout Mountain.**

**As residents of Lookout Mountain we want to express our opposition to the
construction of the tower, and request that you deny the petition of LCG.**

**We live on Lookout Mountain since December 1972, and built a new home in 1989
after we were assured by officials that the emissions of the antennas are harmless
and present no danger to human health. Recent reports about biological effects of
RF radiation near broadcast towers indicate that there was not sufficient data
available to advise the residents correctly.**

**When we supported a bill introduced by Colorado State Representative Dr. Witwer
that requested long term studies of RF effects, LCG opposed and defeated the bill
in the Colorado Senate. Their involvement in local issues and their opposition to the
bill indicates to us, that LCG wants to prevent the surfacing of scientific evidence
that may indicate certain dangers to the population from RF radiation. If their
presentation of the harmlessness of RF radiation was true, they should have
welcomed the proposed studies that would than have supported their claims.**

**We believe that the County Commissioners based their decision to deny the
rezoning on all the evidence presented at the hearings. We hope that you will
enforce their decision by dismissing Lake Cedar Group's petition.**

Sincerely,

Guenter L. Grothe
425 Colorow Rd
Golden, CO 80401

Vera L. Grothe
425 Colorow Rd
Golden, CO 80401

Guenter L. Grothe

Vera L. Grothe

Guenter & Vera L. Grothe

425 Colorow Rd
Golden, CO 80401
(303) 526-9242

Certificate of Mailing:

I, Guenter L. Grothe, certify that on this 8th day of May, 2000, I mailed a copy of this filing to :

Edward W. Hummers, Jr. J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Ave.,NW
Washington ,DC 20037-3202

Signed: _____

Guenter L. Grothe

Cc:

Frank Hutfless
Jefferson County Attorney
Jefferson County Building
100 Jefferson Park Way
Golden,CO 80401

Deborah Carney
Attorney for C.A.R.E.
21789 Cabrini Blvd.
Golden,CO 80401

And the Colorado Delegation:

Senator Wayne Allard
513 Hart Senate Office Bldg.
Washington, D.C. 20510

Peter Jacobson
Senator Wayne Allard's Office
7340 E. Caley, Suite 215
Englewood, CO 80111

The Honorable Ben Nighthorse Campbell
U.S. Senate
380 Russell Senate Bldg.
Washington, D.C. 20510

Congressman Tom Tancredo
Colorado 6th District

Guenter & Vera L. Grothe

**425 Colorow Rd
Golden, CO 80401
(303) 526-9242**

**1123 Longworth
Washington, D.C. 20510**

**Congressman Scott McInnis
Colorado 3rd District
320 Cannon House Office Building
Washington, D.C. 20515**

**Congresswoman Diana DeGette
1339 Longworth
Washington, D.C. 20515**

**Congressman Mark Udall
Colorado 2nd District
128 Cannon House Office Building
Washington, D.C. 20515**

Sally H. Hopper

21649 CABRINI BOULEVARD
GOLDEN, COLORADO 80401-9487
303-526-0785

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

RE: DA 00-764
Lake Cedar Group "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I am writing in opposition to the above Petition submitted by the Lake Cedar Group against the ruling by the Jefferson County Commissioners. The ruling came about after numerous and lengthy hearings and exhaustive review by the Commissioners. I'm sure you have on hand the details of Lake Cedar's original application, the rejection of the application and the above mentioned Petition.

As a former State Senator as well as a resident of the area involved, my chief concern is the dangerous precedent which would be set if the FCC should decide to overturn the Commissioners decision which was based on local zoning and other valid arguments by the local citizenry.

Sincerely,

Sally H. Hopper
Sally H. Hopper

cc: Frank Hufless, Jefferson County Attorney
Deborah Carney, Esq.
Senator Wayne Allard
Senator Ben Nighthorse Campbell
Congressman Tom Tancredo
Congressman Scott McInnis
Congresswoman Diana DeGette
Congressman Mark Udall
Congressman Joel Hefley
Congressman Bob Shaffer

Megalie R. Salas
Secretary, Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

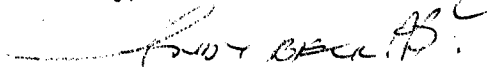
RE: DA 00-764
Lake Cedar Group Petition "PETITION FOR EXPEDITED SPECIAL RELIEF AND
DECLARATORY RULING" to preempt Jefferson County Denial of Supertower

Dear Ms. Salas:

I observed over the course of many months in 1998 and 1999 the conscientious process of the Jefferson County Board of County Commissioners in review of an application by the Lake Cedar Group, LLC, to rezone land on Lookout Mountain to allow for the construction of an 854-foot telecommunications supertower and adjacent support building. There was an exhaustive and thorough review. The possibility that our community of more than 9,000 people would suffer the effects of even greater levels of electromagnetic radiation was cause for great anxiety. We were enormously relieved by the Commissioners' rejection of the application.

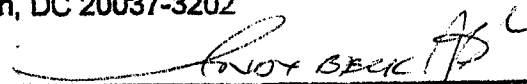
I am assured that alternative (and, most importantly, non-residential) sites to house the digital supertower do exist and would urge the Lake Cedar Group to explore those sites. Instead, I understand that they have petitioned the FCC to override the local authority in this matter. I ask that you respect the thoughtful decision-making of the Jefferson County Board of County Commissioners over what is a complex set of local zoning and other issues. To do otherwise would set a regrettable and dangerous precedent for our country.

Sincerely,



I, ANDY BECK, certify that on this 9 day
of May, 2000, I mailed a copy of this filing to:

Edward W. Hummers, Jr., J. Steven Rich
Holland & Knight LLP
Suite 400
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

Signed by: 

cc: Frank Hutfless, Jefferson County Attorney; Deborah Carney, C.A.R.E. Attorney;
Senator Wayne Allard; Peter Jacobson, Senator Allard's Office; Senator Ben Nighthorse
Campbell; Congressman Tom Tancredo; Congressman Scott McInnis; Congresswoman
Diana DeGette; Congressman Mark Udall